

Maine Liquor Liability Act (Title 28-A, Section 2503)

Summary: Any person who recklessly or negligently serves liquor to a minor or visibly intoxicated person, who in turn causes damage or injuries to others, may have action brought against them for up to \$350,000 for damages plus medical expenses.

The Maine Liquor Liability Act was established to form a legal basis for obtaining compensation for damages as a result of intoxication and related incidents. **A non-licensed, social host (a person who does not hold a Maine Liquor License) can be sued for negligent or reckless conduct.**

By definition, **negligent conduct** is the serving of liquor to a minor or intoxicated person, if the defendant knows or a reasonable and prudent person should have known the person being served is a minor or is visibly intoxicated.

Financial Implications

Damages may be awarded for property damage, bodily injury, or death caused by the consumption of liquor served by the defendant. The limit on the award is \$350,000 plus medical expenses. In most cases homeowners insurance will not cover this because the defendant was committing a crime at the time of the injury.

Keg Registration (Title 28-A, Section 714)

All kegs (a container containing at least 7.75 gallons of liquid) sold at retail by an off-premise licensee must have an identifying tag attached. The retailer must require positive identification from the purchasers and keep records indicating the name, address, date of birth and tag number of the keg/kegs purchased.

Penalties:

- Possession of an unlabeled keg purchased in Maine is a civil violation with a fine of up to \$500.
- Removal or defacing of a keg tag is a Class E crime. A violator can receive up to 6 months in jail and up to a \$1,000 fine.

Unlawful use of a License, Instruction Permit, or Identification Card (Title 29-A, Section 2102)

A person commits a Class E crime if that person:

- Displays or possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;
- Knowingly permits another person to use that person's driver's license or identification card issued.

Penalties for violation of this law:

- Up to 6 months in jail and up to a \$1,000 fine.
- Possible driver's license suspension.

Illegal Possession with Intent to Sell (Title 28-A, Section 2072)

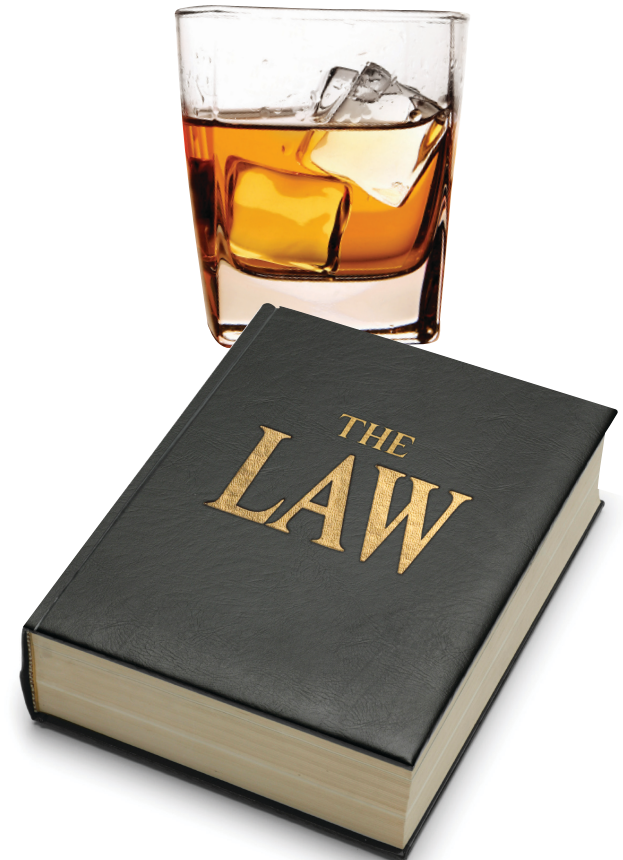
Any person who possesses liquor with the intent to sell in violation of Maine Liquor Laws, may be fined up to \$1,000 and sentenced to six months in jail.

TO REPORT A VIOLATION CALL
YOUR LOCAL POLICE DEPARTMENT



Maine Bureau of Highway Safety
164 State House Station
Augusta, Maine 04333-0164
www.maine.gov/dps/bhs/
www.surviveyourdrive.org

A guide to understanding Maine Liquor & Liability Laws



Maine Bureau of Highway Safety
(207) 626-3840

Maine Liquor Laws

Illegal Possession

It is a civil violation for any person under the age of 21 to possess liquor or imitation liquor except if it is within the scope of their employment or in their home in the presence of their parent. Fines for illegal possession are as follows:

- 1st offense: \$100 to \$300;
- 2nd offense: \$200 to \$500; and
- 3rd or subsequent offenses: \$500.

Youths 17 years or younger are charged with the juvenile crime of illegal possession.

Illegal Transportation of Liquor

- 1st offense: 30 day license suspension and a fine of no more than \$500;
- 2nd offense: 90 day license suspension and a fine of not less than \$200; and
- 3rd offense: One year license suspension and a fine of not less than \$400.

A minor cannot be charged with both illegal possession and illegal transportation; if the minor is illegally transporting liquor, the minor must be charged with transportation, not possession.

The Teen OUI Law (Zero Tolerance)

Any motor vehicle operator under 21 who operates or attempts to operate a motor vehicle with any alcohol in their blood* shall have their license suspended by the Secretary of State for one year. If they have a passenger under 21, an additional 180 day suspension will be imposed. Refusal to be tested will result in a suspension of their operator's license for at least 18 months.

**Minors who test .08 percent or more will be prosecuted, for the criminal offense of Operating Under the Influence.*

Furnishing Liquor to a Minor

It is a criminal offense to furnish liquor to a minor.

- 1st offense: minimum fine of \$500 and up to one year in jail*;
- 2nd offense: within 6 years – mandatory \$1,000 minimum fine, none suspended;
- 3rd offense: within 6 years – mandatory \$1,500 minimum fine, none suspended.

**If the violation involves a minor who is less than 18 years of age, the \$500 minimum fine may not be suspended.*

Furnishing a Place to Consume

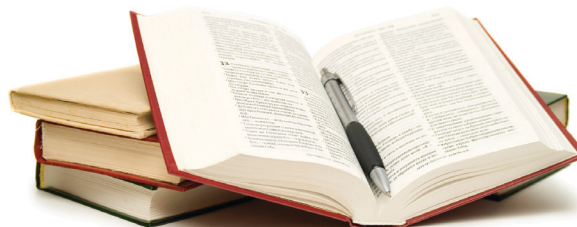
It is a criminal offense to allow a minor under a person's control or in a place under that person's control to possess or consume liquor. Fine for illegal possession is as follows:

- 1st offense and subsequent offenses: up to a \$2,000 fine and up to one year in jail*.

**If the violation involves a minor who is less than 18 years of age, the \$500 minimum fine may not be suspended.*

Furnishing Imitation Liquor to a Minor

Any person who furnishes imitation liquor to a minor, or allows a minor under that person's control to possess, or consume imitation liquor, may be fined up to \$500 and/or sentenced to six months in jail.



Illegal Sale of Liquor (Title 28-A, 2078)

Any person who sells liquor in Maine without a license issued by the Liquor Licensing and Compliance Division is subject to the following penalties:

- 1st offense: \$300 to \$500 fine and up to 30 days in jail;
- 2nd offense: \$500 to \$1,000 and up to 60 days in jail; and
- 3rd and subsequent offenses: \$1,000 fine and 60 days in jail, not to be suspended. An additional four months of jail time is possible.